

Minutes of the Board of Sewer Commissioners Thursday December 17, 2015

The meeting of the Board of Sewer Commissioners was called to order by Chairman Michael R. Buxton at 6:00 p.m. In attendance were, Commissioner Philip Greene and Superintendent Jay F. Reynolds, Mr. Thomas Everett and Attorney James Hall Jr.

The Board tabled the minutes from November 19, 2015, pending request by Mr. Greene to have his request for a boot stipend added to the minutes and put on next month's agenda. The Manager would have to approve the stipend. Currently the Sewer Department has been directed by the Manager to utilize an existing account for uniforms (shirts and jackets). Mr. Buxton would like to discuss the stipend at the next budget meeting.

The Board approved and signed the Sewer Permits.

The Board approved CDM Smith invoices for payment, they were all contractual amounts. The invoices and amounts are as follows: Contract #32 \$7,128.89, Contract #32 \$60,297.70, Task Order 1 \$2,190.00. Mr. Greene made the motion to approve and Mr. Buxton seconded the motion. Unanimous.

The Board approved Pay Req. Number 010 for Contract 32 Albanese D&S in the amount of \$270,690.07. Mr. Greene made the motion and Mr. Buxton seconded the motion. This represents 93% of time allotted for Contract #32. Mr. Buxton indicated it is on schedule to be done in the next month. Mr. Greene made the motion to approve and Mr. Buxton seconded the motion.

Discussion regarding Contract #32 change order no.2, addition of alarm lights at 3 pump stations and connect a High/High level float. The amount of this change order is \$3,328.50. Mr. Greene made motion to approve and Mr. Buxton seconded the motion.

Mr. Thomas Everett appeared before the Board seeking assistance for the management of the Stonebridge Pump Station. Mr. Everett represents the 34 homes in the neighborhood under Stonebridge Estate Home Owners Trust. Mr. Everett manages the pump station. It has been operating efficiently for the past 20 years, however in the past 2 years there has been significant difficulties with the maintenance of the motors and he is asking for the town to assume responsibility for the management of the pumping station. Their facility is currently in the process of having someone redesign and redefine the pumps. Being in the process of this redesign, Mr. Everett considered this a good opportunity to approach the Board. He would be able to negotiate terms and conditions that would be expected to meet the Towns standards. Mr. Buxton and Mr. Greene do not recommend this to the Board at this time. The Town of Dracut does not take over private pump stations unless it is an emergency situation. Mr. Reynolds has made himself available as Superintend to provide assistance and information to Mr. Everett. This will be tabled until next meeting for discussion with a full board. The Board will contact Mr. Everett as to the determination.

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Attorney James Hall Jr. appeared before the board regarding Elizabeth Drive easement, litigation. The Commission has had about 6 such cases in the past decade with the same attorney. Most of the battle here is on nuisance value as it would probably cost the Commission about \$20K to fight one of these all the way through to jury trial. Problem is that they are generally going to get some sort of damages mostly because a tree can be valued. Diminishment of value and reselling the property is being argued due to the taking. Upon visitation to the site, there is little visual sign of damage but it is indisputable that trees were cut and ground was disturbed so there is some exposure. This case appears to have 5-6 trees cut of substantial medium size however they were on the property boundary and would not affect the house value which is about 50 yards from cuttings. Their Attorney is presently taking a position for \$20,000 to 25,000 but would probably settle for \$10,000 to \$15,000. If the Commission decides to move forward the cost for expert representation by Mr. Dennis Connors and Mr. Burke would cost between \$3,000 and \$5,000. The cost for an arborist to speak to the actual cost of the trees would be \$3,000. Attorney Hall recommends not hiring the arborist as there were no big trees. The second approach is to offer \$5,000 to \$12,000 to resolve prior to mediation or pretrial. Instead of paying litigation and expert costs. If there is no agreement then it will be necessary to send a representative from the Board to mediation which will be schedule in the February/March time frame. Mr. Greene made the motion for Attorney Hall to offer between \$5,000 and \$12,000 to settle the case. Mr. Buxton seconded. The motion was approved.

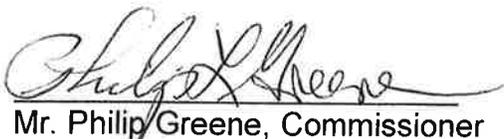
Mr. Greene asked that the Board discuss a stipend for work boots for field personnel at the next meeting.

The next Sewer Commission Meeting will be held on January 21, 2016

The meeting adjourned 6:47 p.m.


Michael R. Buxton, Chairman

George Dristiliaris, Commissioner


Mr. Philip Greene, Commissioner

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"The matters listed above are those reasonably anticipated by the Chair that may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."